

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
NO. 3:09-CR-00039-FDW-DCK

On March 7, 2013, the United States Court of Appeals for the Fourth Circuit affirmed the conviction of Defendant Michael Greene and remanded the matter for re-sentencing pursuant to United States v. Dorsey<sup>1</sup>. See United States v. Greene, No. 11-4324 (4<sup>th</sup> Cir. March 7, 2013).

Upon the remand, this Court once again has jurisdiction over this matter.

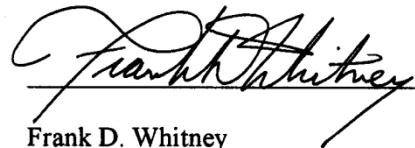
Defendant filed a *pro se* motion for a new trial (Doc. No. 642) on June 21, 2012, when this matter was on appeal and this Court lacked jurisdiction.<sup>2</sup> Now that this Court has jurisdiction, this Court can hear the motion for a new trial. The Fourth Circuit also directed this Court to hear the Defendant's motion for a new trial. See Greene, Slip op., at 5, n.3.

<sup>1</sup>132 S.Ct. 2321 (2012).

<sup>2</sup>Defense counsel also filed a motion for a new trial (Doc. No. 679) but subsequently withdrew that motion (Doc. No. 684), stating that defense counsel’s motion “essentially duplicates” the *pro se* motion. The Court interprets this to mean that defense counsel adopted the *pro se* motion, and the *pro se* motion is no longer *pro se* but effectively a motion filed by counsel.

The Court hereby ORDERS the United States to respond to Defendant's motion for a new trial by April 30, 2013.

Signed: March 21, 2013

  
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Frank D. Whitney  
United States District Judge 